FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

Contempt Petition No. 192/2004

Appeal	District :
Application No.	of 200
Writ petition	

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. G.S. Shukla, Adv. for the petitioner.
Mr. S.K. Sable, Adv. for R- 1 and 2.

CORAM : B.R. Gavai, J.
DATED : August 31, 2006.

By way of present petition, the petitioner prays for taking action against the respondents for disobeying the decree passed by the learned 4th Joint Civil Judge, Jr. Dn., Nagpur, dated 18/11/2003, in Regular Civil Suit No. 518/1997.

It is the contention of the petitioner that in total disregard to the decree vide which the respondents were injuncted from taking possession of the suit premises without following due process of law, the respondents have taken forcible possession on or between 16th July, 2004 and 19th July, 2004, when the petitioner had gone to Betul.

It is not in dispute that even prior to the date on which the present petition came

to be circulated on 31st August, 2004, possession of the suit premises was already handed over by the respondents to the present petitioner.

It is, thus, clear that when the matter was circulated for the first time, there was no cause of action to prosecute the present petition. In any case, the respondents are personally present in the court and they tendered their unconditional apology.

In that view of the matter, I do not find it necessary to proceed further with the contempt proceedings. Same are dropped. Non-bailable warrant issued against the respondents stands cancelled.

JUDGE

RMP